

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **MARY E. GROVES, M.D.**

4 Holder of License No.
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-05-1205A

**CONSENT AGREEMENT FOR
DECREE OF CENSURE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Mary E. Groves, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that she has the right to consult with legal counsel regarding
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

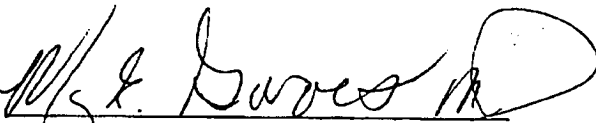
22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the acceptance of the
5 Consent Agreement. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 6. This Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the
10 National Practitioner Data Bank and to the Arizona Medical Board's website.

11 7. If any part of the Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
13 and effect.

14
15 
16 Mary E. Groves, M.D.

DATED: 5-11-06



1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 30315 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-05-1205A after receiving multiple
7 complaints from various patients and one of Respondent's former employees alleging
8 patient abandonment, failure to provide patient medical records in a timely manner, and
9 failure to appropriately close a medical practice.

10 **PATIENT J.H.**

11 4. On September 19, 2005 an associate ("Associate") within Respondent's
12 practice, Phoenix Rising Family Medicine, saw J.H. and collected samples for laboratory
13 tests. J.H. had a follow-up appointment scheduled to retrieve her results, but when she
14 contacted the office for information, she was told via voicemail that the clinic was
15 permanently closed. J.H. made an appointment with another physician for follow up care,
16 but was not given any information from Respondent's office about how to retrieve or
17 transfer her medical records to her new physician.

18 5. On October 11, 2005 J.H. received a letter from Respondent instructing her
19 to submit a written request for records to a post office box. J.H. submitted a written
20 request to Respondent asking that her medical records be transferred to her new
21 physician, but Respondent did not respond to J.H.'s request. According to J.H., her new
22 physician could not treat her diagnosed disease because he had no medical records to
23 confirm her diagnosis.

24 6. J.H. contacted her new physician prior to a follow-up appointment scheduled
25 for October 17, 2005 and was told Respondent had forwarded J.H.'s records.

PATIENT K.D.

7. Respondent diagnosed K.D. with seizure disorder and managed her medically with Valium. Respondent required K.D. to present for an examination before she would authorize any refills. On October 14, 2005 K.D. contacted the pharmacy to refill her anti-seizure medication and was denied. For two days K.D. tried unsuccessfully to contact Respondent by phone.

8. The pharmacy gave K.D. Associate's cell phone number. Associate explained Respondent's office was closed and he could not get in to write K.D.'s prescription for her anti-seizure medications. Respondent gave K.D. no notice of the office closure. K.D.'s anti-seizure medications were due for refill and she was afraid she would have a seizure episode. Associate advised K.D. to seek emergency medical care if she had a seizure and to establish a new primary care physician as soon as possible.

PATIENT R.W.

9. On October 17, 2005 R.W. went to Respondent's office to retrieve laboratory results, but the office was closed. A notice posted on the door informed him where to send written requests for medical records.

10. On October 20, 2005 and October 26, 2005 R.W. received letters from Respondent with instructions on how to retrieve his medical records. R.W. wrote two letters to the address as instructed requesting his medical records and received no response.

PATIENT G.K.

11. G.K. was a patient of Respondent who needed gallbladder surgery and required a referral from Respondent, his primary care physician. On September 29, 2005 G.K. went to Respondent's office for an appointment and was informed by Respondent's

1 staff that the office was permanently closed. G.K. did not get a referral from Respondent
2 and was forced to seek medical help elsewhere.

3 **PATIENT J.S.**

4 12. On December 12, 2005 J.S. informed the Board that Respondent had closed
5 her doors and posted a notice stating she was on a medical leave of absence. Also, within
6 the notice there was an address where patients could submit a written request for copies
7 of their records.

8 13. J.S. sent a letter to the address provided by Respondent for copies of his
9 medical records. On December 2, 2005 J.S.'s letter to Respondent was returned as
10 unclaimed with no forwarding information available.

11 14. On December 21, 2005 J.S. was contacted and told his medical records
12 could be picked up on January 7, 2006 at Respondent's office. J.S. went to the office and
13 picked up his original records and those of his wife and son. There is no evidence that
14 Respondent maintained a copy of the original medical records.

15 15. Respondent leased office space from another physician ("Lessee"). On
16 October 17, 2005 Lessee attempted to collect back rent by locking the doors of the clinic.
17 On October 26, 2005 Respondent wrote a letter to Lessee stating she was relinquishing
18 her responsibility of the records to him. On November 2, 2005 Lessee informed
19 Respondent he would not accept responsibility for her patient medical records and
20 Respondent could pick up the medical records.

21 16. On November 18, 2005 Board Staff contacted Respondent regarding the
22 patient medical records and informed her that it was her responsibility, as the treating
23 physician, to distribute them upon request.

24 17. On December 12, 2005 Lessee appeared on television news explaining
25 Respondent's had abandoned her records and patients could retrieve their records by

1 coming to his office. Lessee had his property manager ("Property Manager") distribute
2 original medical records to patients who requested them. Property Manager was not an
3 employee of Phoenix Rising Family Medicine.

4 18. On January 9, 2006 Property Manager informed Board Staff that
5 Respondent's attorney and her husband retrieved all the medical records from the office.
6 Property Manager also gave Board Staff a contact number Respondent's patients to call
7 for their records. Property Manager also faxed to Board Staff a list of thirty-two of
8 Respondent's patients who had already picked up their records from the office. Lessee
9 also provided Board Staff with the names of three patients who experienced difficulty
10 locating their medical records.

11 19. On written request of a patient for access to or copies of the patient's
12 medical records, the health care provider in possession of the record shall provide the
13 medical records to the patient or the person designated in writing by the patient. A.R.S.
14 § 12-2293(A).

15 20. When a health care provider retires or sells the provider's practice, the
16 provider shall take reasonable measures to ensure that the provider's records are
17 retained. A.R.S. § 12-2297(B).

18 21. A health care provider shall retain original or copies of a patient's medical
19 records for at least six years after the last date the adult patient received medical or health
20 care services from that provider or if the patient is a child, either for at least three years
21 after the child's eighteenth birthday or for at least six years after the last date the child
22 received medical or health care services from that provider, whichever date occurs later.
23 A.R.S. § 12-2297(A).

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(a) (“[v]iolating any federal or state laws or rules and regulations applicable to the practice of medicine”); specifically, A.R.S. § 12-2293(A), A.R.S. § 12-2297(A), and A.R.S. § 12-2297(B).

ORDER

IT IS HEREBY ORDERED THAT:

Respondent is issued a Decree of Censure for failure to appropriately close her practice and distribute medical records to patients, failure to make reasonable accommodation for medical records, and failure to retain records for the time required by law.

DATED AND EFFECTIVE this 9th day of June, 2006.

1 (SEAL)



ARIZONA MEDICAL BOARD

2
3 By


TIMOTHY C. MILLER, J.D.
Executive Director

4
5
6 ORIGINAL of the foregoing filed this
9th day of June, 2006 with:

7 Arizona Medical Board
8 9545 E. Doubletree Ranch Road
9 Scottsdale, AZ 85258

10 EXECUTED COPY of the foregoing mailed
this 9th day of June, 2006 to:

11
12 Mary E. Groves, M.D.
13 Address of Record

14 
Investigational Review